THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.33700 of 1998

Dated:03.10.2007

Between

J.Seetharamaiah

..Petitioner

and

1.The Reviewing Authority & Executive Director, Syndicate Bank, Industrial Relations Division, Manipal, Karnataka State and others.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.33700 of 1998

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the proceedings of 1st respondent in File No.3174/0089/PD:IRD (O)/Prose, dated 6.11.1998 and to quash the same as arbitrary and illegal.

The case of the petitioner is that he was proceeded with departmentally and thereafter, the disciplinary authority imposed punishment of recovery of 50% of the loss caused to the bank. On appeal, the appellate authority confirmed the said punishment. However, the 1st respondent-reviewing authority *suo motu* reviewed the order and issued a show cause

notice to the petitioner as to why the order passed by the disciplinary authority, which was confirmed by the appellate authority, should not be set aside and the punishment of dismissal from service should not be awarded. But, it appears, no interim order was passed by this Court and in the meanwhile a criminal case was lodged and he was convicted by the lower Court, but it was set aside by the appellate Court. In view of the same, another WPMP No.44071 of 1998 was filed before this Court seeking a direction to consider his case for reinstatement, in view of his acquittal by the appellate Court. This Court granted such a direction. In view of the said interim direction, the respondent has taken up the proceedings and passed an order dated 21st May, 2001 reinstating the petitioner into service and directing to treat the service, during which he was kept out of employment, only for the purpose of terminal benefits including pensionary benefits. It appears that another

enquiry was also conducted by the respondents against the petitioner and a punishment of stoppage of one increment was imposed. The petitioner has not challenged the said order nor challenged the order dated 21.5.2001. Now, an amendment is sought challenging the very dismissal order, which is *non est* in the eye of law.

Therefore, I am of the opinion, the writ petition outlived its purpose; therefore, the same is liable to be dismissed and is dismissed as infructuous. If the petitioner has got any other grievance, it is always open for him to work out remedies as available under law. No costs.

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03-10-2007

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